

IC 16-37

ARTICLE 37. VITAL STATISTICS

IC 16-37-1

Chapter 1. General Provisions

IC 16-37-1-1

Administration

Sec. 1. The state department shall provide a system of vital statistics for Indiana to be administered by a division of the state department.

As added by P.L.2-1993, SEC.20.

IC 16-37-1-2

State registrar; duties

Sec. 2. The employee in charge of the division of the state department administering the system of vital statistics shall be known as the state registrar and shall do the following:

- (1) Keep the files and records pertaining to vital statistics.
- (2) Perform the duties prescribed by the state department.
- (3) Perform the duties required under IC 10-13-5-11.
- (4) Administer the putative father registry established by IC 31-19-5-2.
- (5) Maintain records of paternity determinations as provided by IC 31-14-9.

As added by P.L.2-1993, SEC.20. Amended by P.L.100-1994, SEC.1; P.L.1-1997, SEC.90; P.L.2-2003, SEC.54.

IC 16-37-1-3

State department duties; rules

Sec. 3. The state department shall do the following:

- (1) Prescribe the information to be contained in each kind of application, certificate, report, or permit required by this article.
- (2) Adopt rules under IC 4-22-2 for the following:
 - (A) Collecting, transcribing, compiling, and preserving vital statistics.
 - (B) The form, execution, filing, and recording of paternity affidavits executed under IC 16-37-2-2.1.

As added by P.L.2-1993, SEC.20. Amended by P.L.46-1995, SEC.60; P.L.133-1995, SEC.11.

IC 16-37-1-4

Registration districts

Sec. 4. Each local health jurisdiction is a registration district for vital statistics and the local health officer shall be the local registrar.

As added by P.L.2-1993, SEC.20.

IC 16-37-1-5

Monthly report of local health officer

Sec. 5. (a) On the fourth day of each month the local health officer

shall report to the state department concerning the births, deaths, and stillbirths that occurred within the local health officer's jurisdiction within the preceding month.

(b) If there are no births, deaths, or stillbirths to report, the local health officer shall indicate that information on a form prescribed by the state department.

As added by P.L.2-1993, SEC.20. Amended by P.L.148-1996, SEC.1.

IC 16-37-1-6

Contents of monthly report

Sec. 6. The report of the local health officer must contain the following:

(1) The original copy of each certificate of birth, death, or stillbirth.

(2) A certification that no other births, deaths, or stillbirths occurred within the jurisdiction to the best of the health officer's knowledge and belief.

(3) A copy of each paternity affidavit filed with the health officer under IC 16-37-2-2.1.

(4) Any other information required by the state department.

As added by P.L.2-1993, SEC.20. Amended by P.L.101-1994, SEC.1; P.L.46-1995, SEC.61; P.L.133-1995, SEC.12.

IC 16-37-1-7

Birth certificate requests; permanent records

Sec. 7. Both the state registrar and the local health officer shall maintain a permanent record, accompanying the birth records, that contains for each request for a certified copy of a birth certificate the following:

(1) The date of the request.

(2) The name and address of the person making the request.

As added by P.L.2-1993, SEC.20. Amended by P.L.87-1994, SEC.9.

IC 16-37-1-8

Prerequisites to issuance of birth certificate; judicial review; missing child certificates

Sec. 8. (a) Except as provided in subsection (c), a local health officer shall provide a certification of birth, death, or stillbirth registration upon request by any person only if:

(1) the health officer is satisfied that the applicant has a direct interest in the matter;

(2) the health officer determines that the certificate is necessary for the determination of personal or property rights or for compliance with state or federal law; and

(3) the applicant for a birth certificate presents at least one (1) form of identification.

However, the local health officer must issue a certificate of an applicant's own birth registration.

(b) A local health officer's decision whether or not to issue a certified copy of a birth certificate is subject to review by a court.

(c) A local health officer may not issue a copy of a birth certificate of a missing child to which a notice has been attached under IC 10-13-5-11 without the authorization of the Indiana clearinghouse for information on missing children.

As added by P.L.2-1993, SEC.20. Amended by P.L.2-2003, SEC.55.

IC 16-37-1-8.5

Certificate of birth resulting in stillbirth; required contents of certificate

Sec. 8.5. (a) Upon request by a parent of a stillborn child, a local health officer shall provide to the parent a certificate of birth resulting in stillbirth.

(b) A certificate of birth resulting in stillbirth provided under subsection (a) must contain the following:

(1) The caption "Certificate of Birth Resulting in Stillbirth".

(2) A space for the name of the stillborn child.

(c) A certificate provided under this section is in addition to a certificate of stillbirth registration provided under section 8 of this chapter.

(d) For purposes of federal, state, and local taxes, the certificate provided under this section is not proof of a live birth.

(e) A local health department may charge the same fee for a certificate provided under this section as the fee charged for a certificate of birth registration provided under section 8 of this chapter.

(f) A certificate of birth resulting in stillbirth must be issued on tamper resistant paper.

As added by P.L.13-2002, SEC.1.

IC 16-37-1-9

Registration certificate charges

Sec. 9. (a) A local health department may make a charge under IC 16-20-1-27 for each certificate of birth, death, or stillbirth registration.

(b) If the local department of health makes a charge for a certificate of death under subsection (a), a one dollar (\$1) coroners continuing education fee must be added to the rate established under IC 16-20-1-27. The local department of health shall deposit any coroners continuing education fees with the county auditor within thirty (30) days after collection. The county auditor shall transfer semiannually any coroners continuing education fees to the treasurer of state.

(c) Notwithstanding IC 16-20-1-27, a charge may not be made for furnishing a certificate of birth, death, or stillbirth registration to a person or to a member of the family of a person who needs the certificate for one (1) of the following purposes:

(1) To establish the person's age or the dependency of a member of the person's family in connection with:

(A) the person's service in the armed forces of the United States; or

(B) a death pension or disability pension of a person who is serving or has served in the armed forces of the United States.

(2) To establish or to verify the age of a child in school who desires to secure a work permit.

As added by P.L.2-1993, SEC.20. Amended by P.L.36-1993, SEC.2.

IC 16-37-1-10

Restrictions on disclosure of data; judicial review; exemption; birth records of adopted children

Sec. 10. (a) Except as provided in subsection (b), the records and files of the division of the state department concerning vital statistics are subject to this article and rules of the state department. Data contained in the records and files may be disclosed only as follows:

(1) The state registrar shall permit inspection of the records or issue a certified copy of a certificate or part of a certificate only if the state registrar is satisfied of the following:

(A) That the applicant has a direct interest in the matter recorded.

(B) That the information is necessary for the determination of personal or property rights or for compliance with state or federal law.

The state registrar's decision is subject to review by the state department or a court under this section.

(2) The state department may permit the use of data contained in vital statistical records for research purposes only, but no identifying use may be made of the data.

(3) In any extraordinary case that the state registrar determines is a direct tangible and legitimate public interest.

(b) The birth record of an adopted child remains subject to the confidentiality provisions of IC 31-19 regarding the release of adoption information.

As added by P.L.2-1993, SEC.20. Amended by P.L.1-1997, SEC.91; P.L.257-1997(ss), SEC.29; P.L.1-1999, SEC.45.

IC 16-37-1-11

Record search or amendment; fees

Sec. 11. (a) The state department shall charge and collect a fee of eight dollars (\$8) for each search of the records in the division of vital records. If the requested record is found, one (1) certification of the record will be issued without charge. Additional certifications of the same record will be issued at that time for an additional fee of four dollars (\$4) for each record.

(b) The state department shall charge and collect an additional fee of eight dollars (\$8) for any amendment to a record previously filed with the division of vital records.

(c) Verification without charge will be issued to an agency of local, state, or federal government upon written request by the agency.

As added by P.L.2-1993, SEC.20. Amended by P.L.168-2003, SEC.1.

IC 16-37-1-11.5

Birth problems registry fee

Sec. 11.5. In addition to the fee charged by the state department under section 11 of this chapter for a search of the records in the division of vital records, the state department shall charge a birth problems registry fee of two dollars (\$2) for each search of the records for a birth certificate. The fees collected under this section shall be deposited in the birth problems registry fund established by IC 16-38-4-17.

As added by P.L.180-1993, SEC.1.

IC 16-37-1-11.7

Heirloom birth certificates; fees

Sec. 11.7. (a) The department shall design, promote, and sell heirloom birth certificates.

(b) An heirloom birth certificate must:

- (1) contain the same information as a birth certificate issued under IC 16-37-2-9;
- (2) be specially designed for framing and display;
- (3) contain a background design, an emblem, or colors that designate the birth certificate as an heirloom birth certificate; and
- (4) contain any other information that the department considers necessary.

(c) The department shall charge a fee of thirty dollars (\$30) for an heirloom birth certificate. The fee is apportioned as follows:

- (1) Seven dollars (\$7) must be retained by the state department to offset the cost of the heirloom birth certificate.
- (2) Twenty-three dollars (\$23) must be deposited in the infant mortality account established under IC 31-26-4-14.

As added by P.L.120-1997, SEC.6. Amended by P.L.145-2006, SEC.139.

IC 16-37-1-12

Fraud; misdemeanor offense

Sec. 12. A person who, with intent to defraud:

- (1) makes a false or fraudulent statement in applying to a local health officer or to the state registrar for a certified copy of a birth certificate;
- (2) makes a false or fraudulent statement in applying to the state registrar for permission to inspect public birth records held by the state registrar;
- (3) alters, counterfeits, or mutilates a certified copy of a birth certificate issued by a local health officer or by the state registrar; or
- (4) uses an altered, a counterfeit, or a mutilated certified copy of a birth certificate;

commits a Class A misdemeanor.

As added by P.L.2-1993, SEC.20.

IC 16-37-1-13**Violations**

Sec. 13. (a) Except as otherwise provided, a person who recklessly violates or fails to comply with this chapter commits a Class B misdemeanor.

(b) Each day a violation continues constitutes a separate offense.

As added by P.L.2-1993, SEC.20.